THE HON'BLE SRI JUSTICE P.S.NARAYANA

WRIT PETITION NO.11898 of2006

DATED 16.06.2006

Between:

O.Murali .. PETITIONER

Versus

The District Level Committee for Sand

Auctions, Zilla Parishad Compound,

Nellore District, Nellore, represented

By its Chairman and two others. .. RESPONDENTS

WRIT PETITION NO.11898 of2006

ORDER:

Heard the counsel on record.

2. The Writ Petition is filed praying for issuance of an appropriate writ, order or direction one in the nature of Writ of Mandamus declaring the inaction on the part of the respondents in not extending the lease granted in favour of the petitioner in respect of Pallipadu village Sand Reach granted to him pursuant to the Tender Notice No.650/2003-A3, dated 16.6.2004 issued by the 3rd respondent during period he has not conducted quarrying operations either due to floods or by objection caused by the villagers or in the alternative refund the lease amount for the said period and the inaction on the part of respondents in identifying an alternative place where the ramp could

be formed as arbitrary, illegal, unjust, violative of fundamental rights guaranteed to the petitioner under the Constitution of India and for a consequential direction to the respondents to forthwith extend the lease for the period during which sand could not be quarried or in the alternative refund the lease amount for the said period and further direct the respondents to identify an alternative place where the ramp could be formed and for pass such other suitable orders.

3. It is stated that the petitioner made a representation dated 2.5.2006 to the 1st respondent, but, despite repeated requests, he is not disposing of the said representation. No doubt several factual details had been narrated in the affidavit filed in support of the writ petition. In the facts and circumstances of the case, it would be just and proper to dispose of the Writ Petition with the following direction:

> "The 1st respondent is hereby directed to dispose of the representation dated 2.5.2006 submitted by the petitioner in accordance with law within a period of three (03) months from the date of receipt of a copy of this order".

4. The Writ Petition is accordingly disposed of with the above direction. There shall be no order as to costs.

16.06.2006

SSR